

Serial No. 09/493,819
Docket No. T36-119817M/RS
(NGB.161)

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Entry of this Amendment is proper because it does not raise any new issues requiring further search by the Examiner, narrows the issues on appeal, **and places the present application in condition for immediate allowance.**

Claims 5, 8, 10, 11, and 25 are all the claims presently pending in the application.

Applicant gratefully acknowledges that **independent claim 25 is allowed.**

While Applicant believes that all of the claims are allowable, to speed prosecution, Applicant has canceled claims 1, 3, 7, 9, and 18-24 without prejudice or disclaimer.

Claims 5, 8, 10, and 11 are rewritten to depend from allowed independent claim 25. Thus, claims 5, 8, 10, and 11 also should be allowed by virtue of their dependency from allowed claim 25.

It is noted that the claim amendments are made only for more particularly pointing out the invention and placing the application in condition for allowance, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

With respect to the prior art rejections, claims 1, 7, and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Edmond, et al. (U.S. Patent No. 5,523,589) (hereinafter "Edmond") in view of Duggan (U.S. Patent No. 6,072,189; hereinafter "Duggan"). Claims 3, 5, 8, 10 and 11 stand rejected under U.S.C. § 103(a) as being

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unpatentable over Edmond in view of Duggan and in further view of Nitta, et al. (U.S.

Patent No. 6,258,6617; hereinafter "Nitta").

Applicant submits that these rejections are rendered moot by the claim amendments set forth above. Particularly, claims 1, 3, 7, 9, and 18-24 are canceled without prejudice or disclaimer and claims 5, 8, 10, and 11 are rewritten to depend from allowed independent claim 25. Thus, the Examiner is requested to withdraw these rejections and permit claims 5, 8, 10, and 11 to pass to immediate allowance.

CONCLUSION

In view of the foregoing, Applicant submits that claims 5, 8, 10, 11, and 25, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

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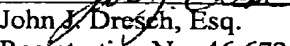
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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully submitted,

Date: February 17, 2005

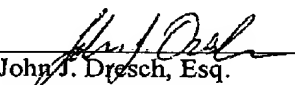

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CERTIFICATE OF TRANSMISSION

I certify that I transmitted via facsimile to (703) 872-9306 the enclosed Amendment under 37 C.F.R. § 1.116 to Examiner Douglas A. Wille on February 17, 2005.


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